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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

In re application of: Goodman, et al

Attorney Docket No.:  
6407P212

Application No.: 09/755,723

Examiner: Rones, Charles L.

Filed: January 5, 2001

Group: 2175

**Title: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA**

**Declaration from Practitioner re Amendatory Material**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Russell N. Swerdon, declare as follows:

1. I am the an attorney employed by Creative Labs, Inc. and am one of the attorneys of record for assignee Creative Technology Ltd. with respect to the above entitled patent application. I have reviewed the file in this matter including the application filed on or about Jan. 5, 2001, and the application entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," also filed on Jan. 5, 2001, and assigned application serial number 09/755,629. Based on my review of the records I can make the following statements either based on personal knowledge or upon information and belief.

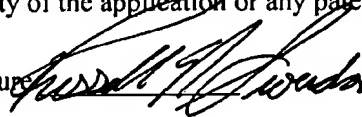
2. The currently pending application, application serial number 09/755,723, incorporated by reference the application entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," also filed on Jan. 5, 2001, and assigned application serial number 09/755629.

3. On or about April 30, 2004 a substitute specification was submitted in an amendment filed with the PTO. The amendment also included new drawings, FIGS. 9-14 which were submitted rather than relying upon their previous incorporation by reference. The amendatory material as provided in the substitute specification, included FIGS. 9-14, constitutes the same material incorporated by reference in the referencing application.

4. I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11.16.04

Signature

  
Russell N. Swerdon

Respectfully submitted,

  
Russell N. Swerdon

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